

Government or by the Provincial Government or by such officer or authority subordinate to the Provincial Government as may be specified in the direction.

(2) The Provincial Government may, by general or special order, direct that any power exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by an officer subordinate to the Provincial Government.

(3) Subject to the provisions of this Act and the rules and orders made thereunder, the Custodian may delegate all or any of his powers under this Act to any Additional, Deputy or Assistant Custodian, subject to such conditions, if any, as may be specified by the Custodian.

53. Power to make rules.—(1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the terms and conditions of service of the Custodian-General and other officers appointed by him in the discharge of his duties;
- (b) the manner in which inquiries under this Act may be held;
- (c) the manner in which evacuee properties which have vested in the Custodian may be notified;
- (d) the manner in which possession of any evacuee property may be taken by the Custodian;
- (e) the manner in which any attachment may be made by the Custodian;
- (f) the manner in which trust properties which have vested in the Custodian may be administered or otherwise dealt with;
- (g) the circumstances in which, and the conditions subject to which, the Custodian may sell any immovable property vested in him, and the procedure governing the grant of leases and the period for which leases may be granted;
- (h) the circumstances in which leases and allotments may be cancelled or terminated or the terms of any lease or agreement varied;

- (i) the securities in which the Custodian may invest any moneys held by him ;
- (j) the manner in which any moneys due to the Custodian may be recovered ;
- (k) the form and manner in which books of accounts and other records shall be maintained by the Custodian ;
- (l) the form in which any notice under this Act may be issued, the manner of its service and publication and the form in which any demand may be made by the Custodian ;
- (m) the nature of cases and the circumstances in which and the conditions subject to which certificates for restoration of property under section 16 may be issued ;
- (n) the nature of cases and the circumstances in which the Custodian may refer an applicant under section 16 to a civil Court ;
- (o) the powers vested in a civil Court which may be exercised by the Custodian while holding any inquiry under this Act ;
- (p) the nature of cases and the circumstances in which the Custodian may confirm or refuse to confirm a transfer under section 38 ;
- (q) the form and manner in which and the time within which appeals and applications for revision may be preferred under Chapter V and the fees payable in respect thereof ;
- (r) any other matter which has to be or may be prescribed under this Act.

(3) The Provincial Government may, by notification in the official Gazette, make rules providing for all or any of the following matters, namely :—

- (a) the terms and conditions of service of the Custodian and other officers appointed under this Act and for the furnishing of security by them ;
- (b) the work to be performed by the Custodian and the Additional, Deputy and Assistant Custodians ;
- (c) the delegation of powers of the Custodian to the Additional Deputy or Assistant Custodian ;
- (d) the fees payable to the Custodian for the management and disposal of any property vested in him and the manner in which such fees shall be paid ;

- (e) the persons by whom and the times at which books of account maintained under this Act may be inspected and audited.

54. Temporary amendment of section 54 of the Indian Income-tax Act, 1922.—During the continuance of this Act, sub-section (3) of section 54 of the Indian Income-tax Act, 1922 (XI of 1922) shall have effect as if after clause (o) thereof, the following clause had been inserted, namely:—

“(p) of any such particulars to the Custodian of Evacuee Property appointed under the Administration of Evacuee Property Act, 1949, for the purpose of enabling him to discharge the duties imposed upon him by or under the said Act.”

55. Repeal and saving.—(1) The Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949) is hereby repealed.

(2) The repeal by this Act of the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949) shall not affect the previous operation thereof, and subject thereto, anything done or any action taken in the exercise of any power conferred by or under that Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS.

On account of the setting up of the two Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances, a large number of people migrated from one Dominion to the other. It was not possible for such people to make any satisfactory arrangement for the management of the property left behind by them. For the efficient management and administration of evacuee property, the Government of East Punjab promulgated an Ordinance, which was converted into an Act—the East Punjab Evacuees' (Administration of Property) Act, 1947 (E.P. Act XIV of 1947). This Act, with certain modifications, was extended to Delhi and Ajmer-Merwara.

On the 13th of June 1949 an Ordinance was promulgated for the Chief Commissioners' Provinces—the Administration of Evacuee Property (Chief Commissioners' Provinces) Ordinance, 1949 (XII of 1949). The Governors' Provinces and States, including Hyderabad, promulgated Ordinances on similar lines.

It was, however, felt that there should be uniform legislation relating to evacuee property throughout India, except Assam, West Bengal, Manipur, Tripura and Cooch-Bihar, where the problems are slightly different. By an amendment of the Government of India Act, 1935, the custody, management and disposal of evacuee property was made a subject in the Concurrent Legislative List. On the 18th of October, 1949 an Ordinance called the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949) was promulgated which extended to all the Provinces of India (except Assam and West Bengal) and to all the Acceding States (except Cooch-Bihar, Manipur and Tripura). This Ordinance will expire in April, 1950.

It is desirable to re-enact Ordinance No. XXVII of 1949 as an Act of the Legislature.

MOHAN LAL SAKSENA.

NEW DELHI;

The 29th November, 1949.

A. BILL No. 65 of 1949.

A Bill to provide for the constitution and regulation of an armed Central Reserve Police Force.

WHEREAS it is expedient to provide for the constitution and regulation of an armed Central Reserve Police Force;

It is hereby enacted as follows:—

PRELIMINARY.

1. Short title and extent.—(1) This Act may be called the Central Reserve Police Force Act, 1949.

(2) It extends to the whole of India, and applies to members of the Force, wherever they may be.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “active duty” means the duty to restore and preserve order in any local area in the event of any disturbance therein;

(b) “close arrest” means confinement within the Force or a detachment of the Force or a post quarter-guard building or tent under charge of a guard;

- (c) "the Force" means the Central Reserve Police Force;
- (d) "member of the Force" means a person who has been appointed to the Force by the Commandant, whether before or after the commencement of this Act, and in sections 1, 3, 6, 7, 16, 17, 18 and 19, includes also a person appointed to the Force by the Central Government, whether before or after such commencement;
- (e) "open arrest" means confinement within the precincts of any barracks, lines or camp for the time being occupied by any part of the Force;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "subordinate officer" means a member of the Force of the rank of subedar-major, subedar, jamadar or sub-inspector;
- (h) the expressions "assault", "criminal force", "fraudulently", "reason to believe" and "voluntarily causing hurt" have the meanings assigned to them respectively in the Indian Penal Code (Act XLV of 1860).

CONSTITUTION OF THE FORCE.

3. Constitution of the Force.—(1) There shall continue to be an armed force maintained by the Central Government and called the Central Reserve Police Force.

(2) The Force shall be constituted in such manner, and the members of the Force shall receive such pay, pension and other remuneration, as may be prescribed.

4. Appointment and powers of superior officers.—(1) The Central Government may appoint to the Force a Commandant and such other persons as it thinks fit to be assistant commandants and company officers.

(2) The Commandant and every other officer so appointed shall have, and may exercise, such powers and authority as may be provided by or under this Act.

5. Enrolment.—Before a person is appointed to be a member of the Force, the statement contained in the recruiting roll set out in the Schedule shall be read out and, if necessary, explained to him in the presence of an officer appointed under sub-section (1) of section 4,